



Docket No.: 1293.1243

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ki-hyun KIM

Serial No. 09/994,928

Group Art Unit: 2637

Confirmation No. 7271

Filed: November 28, 2001

Examiner: David B. Lugo

For: APPARATUS AND METHOD FOR SIGNAL PROCESSING

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Indication of Allowable Subject Matter was included in an Office Action mailed July 11, 2005. At the time of the statement, claims 14-20 had been indicated as allowed and dependent claims 4-12 were indicated as being allowable if amended to include the features of the parent claim 3.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner's statement appears to be related only to some features of method claim 14; however, the Examiner's comments do not appear to be related to any of apparatus claims 4-12, since the Examiner has not recited the appropriate language for the claims 4-12 as

pending and allowed in the application.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 7/11/06

By: John H. Stowe

John H. Stowe
Registration No. 32,863

1400 Eye St., N.W., Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510